

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:17-cr-00269-RJC-DCK

USA,)
Plaintiff,)
)
vs.) ORDER
)
BENJAMIN MCMILLER,)
Defendant.)

THIS MATTER is before the Court upon the parties' Joint Memorandum and Recommendation in Aid of Sentencing relating to conditions of the defendant's supervision. (Doc. No. 49).

The United States Court of Appeals for the Fourth Circuit vacated two sex offender conditions regarding computer monitoring and social media accounts and remanded the matter for further proceedings. (Doc. No. 45: Opinion at 2). The parties have now proposed revised conditions which the Court finds are reasonably related to the factors to consider for supervised release sentences, involve no greater deprivation of liberty than is reasonably necessary to accomplish their purposes, and are consistent with pertinent policy statements issued by the Sentencing Commission. 18 U.S.C. § 3583(d).

IT IS, THEREFORE, ORDERED that an amended judgment shall be issued modifying the sex offender conditions of supervised release to include:

9. If the defendant uses, purchases, possesses, procures, or otherwise obtains any computer (as defined in 18 U.S.C. § 1030(e)(1)) or electronic device that can be linked to any computer networks, bulletin boards, internet, internet service providers, or exchange formats involving computers, the defendant must: 1) notify the U.S. Probation Officer in advance, and 2) only use, purchase, possess, procure or otherwise obtain any computer or electronic device that is capable of being monitored by the U.S. Probation Office. All such computers, computer hardware or software is subject to warrantless searches and/or seizures by the U.S. Probation Office. However, with the prior approval of the U.S. Probation Office, the defendant may use an employer's unmonitored computer systems at his place of employment for employment purposes only and may use an educational facility's unmonitored computer systems at an educational facility where he is enrolled for education-related purposes only.

13. Before opening any new social networking accounts or accessing any accounts established before supervised release begins, the defendant shall notify the U.S. Probation Officer of each social networking site where defendant has an account or intends to open one. The defendant shall only use social networking accounts that can be effectively monitored by the U.S. Probation Office and monitoring software. An account that is not able to be effectively monitored will not be approved for use. He shall provide the Probation Officer with his screen names and passwords for all social networking accounts and allow the Probation Officer to access and examine his accounts at any time. The defendant shall not use social

networking accounts to communicate with minors and may not use them for unlawful purposes. Social networking accounts are accounts on Internet-based social media platforms, such as Facebook, LinkedIn, Twitter, Snapchat, and Instagram, which allow users to directly communicate with other users.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Probation Office, and the Clerk of Court for the United States Court of Appeals for the Fourth Circuit.

Signed: June 16, 2020



Robert J. Conrad, Jr.
United States District Judge